

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 994
98TH GENERAL ASSEMBLY

2053H.16C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 29.230, RSMo, and to enact in lieu thereof one new section relating to audits of political subdivisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 29.230, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 29.230, to read as follows:

29.230. 1. In every county which does not elect a county auditor, the state auditor shall audit, without cost to the county, at least once during the term for which any county officer is chosen, the accounts of the various county officers supported in whole or in part by public moneys.

2. The state auditor shall audit any political subdivision of the state, including counties having a county auditor, if requested to do so by a petition **submitted by a person who resides or owns real property within the boundaries or area of service of the political subdivision and such petition is submitted to the state auditor within one year from requesting the petition from the state auditor and is signed by the requisite percent of the qualified voters of the political subdivision.** The requisite percent of qualified voters to cause such an audit to be conducted shall be determined as follows:

(1) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is less than one thousand, twenty-five percent of the qualified voters of the political subdivision determined on the basis of the registered voters eligible to vote at the last gubernatorial election held prior to the filing of the petition;

(2) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is one

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 thousand or more but less than five thousand, fifteen percent of the qualified voters of the
20 political subdivision determined on the basis of the votes cast in the last gubernatorial election
21 held prior to the filing of the petition, provided that the number of qualified voters signing such
22 petition is not less than two hundred;

23 (3) If the number of qualified voters of the political subdivision determined on the basis
24 of the votes cast in the last gubernatorial election held prior to the filing of the petition is five
25 thousand or more but less than fifty thousand, ten percent of the qualified voters of the political
26 subdivision determined on the basis of the votes cast in the last gubernatorial election held prior
27 to the filing of the petition, provided that the number of qualified voters signing such petition is
28 not less than seven hundred fifty;

29 (4) If the number of qualified voters of the political subdivision determined on the basis
30 of the votes cast in the last gubernatorial election held prior to the filing of the petition is fifty
31 thousand or more, five percent of the qualified voters of the political subdivision determined on
32 the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition,
33 provided that the number of qualified voters signing such petition is not less than five thousand.
34 The political subdivision shall pay the actual cost of audit. The petition that requests an audit
35 of a political subdivision shall state on its face the estimated cost of the audit and that it will be
36 paid by the political subdivision being audited. The estimated cost of the audit shall be provided
37 by the state auditor within sixty days of such request. The costs of the audit may be billed and
38 paid on an interim basis with individual billing periods to be set at the state auditor's discretion.
39 Moneys held by the state on behalf of a political subdivision may be used to offset unpaid
40 billings for audit costs of the political subdivision. All moneys received by the state in payment
41 of the costs of petition audits shall be deposited in the state treasury and credited to the "Petition
42 Audit Revolving Trust Fund" which is hereby created with the state treasurer as custodian. The
43 general assembly may appropriate additional moneys to the fund as it deems necessary. The state
44 auditor shall administer the fund and approve all disbursements, upon appropriation, from the
45 fund to apply to the costs of performing petition audits. The provisions of section 33.080 to the
46 contrary notwithstanding, money in the fund shall not be transferred and placed to the credit of
47 general revenue until the amount in the fund at the end of any biennium exceeds one million
48 dollars. The amount in the fund which shall lapse is the amount which exceeds one million
49 dollars. No political subdivision shall be audited by petition more than once in any three
50 calendar or fiscal years.

51 **3. Any person who allegedly signed or has signed the original petition may submit**
52 **a sworn statement to the state auditor that the person did not sign such petition or that the**
53 **person wishes to rescind such signature. Such statement shall be required to be made**
54 **within ten days from submission of the petition to the state auditor. If such statement is**

55 **timely filed, such signature shall be withdrawn and shall not count in the determination**
56 **of the number of qualified voters necessary to compel an audit under subsection 2 of this**
57 **section.**

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